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EXAMINER

ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 01/25/2005

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,333

Applicant(s)

YOO, CHANG-WOONG

Examiner

Trent J Roche

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2004 and 31 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to communications filed 16 June 2004 and 31 August 2004.
2. Per applicant's request, amended claim 1 has been entered. Claims 1-28 are pending.
3. Claims 1-28 have been examined.

Petition under 37 CFR § 1.104 and § 1.181

4. The petition filed 16 June 2004 does not comply with requirements outlined in 37 CFR § 1.181 regarding the requirements for petitioning the Director, specifically § 1.181(c), which states:

(c) When a petition is taken from an action or requirement of an examiner in the *ex parte* prosecution of an application, or in the *ex parte* or *inter partes* prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.

5. As no request for reconsideration was received requesting a reconsideration by the Examiner of the KR1999-48136 and JP9-305381 references contained in the information disclosure statement, the petition filed 16 June 2004 is premature and is not compliant with 37 CFR § 1.181. As a result, the petition is considered to be a request for reconsideration filed under 37 CFR § 1.111, and the amendment filed 31 August 2004 under 37 CFR § 1.111 is considered to be a supplemental reply and amendment to the office action dated 3 June 2004.

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 18 April 2001 has been fully considered by the Examiner. Note MPEP § 609, which states:

Once the minimum requirements of 37 CFR 1.97 and 37 CFR 1.98 are met, the examiner has an obligation to consider the information. Consideration by the examiner of the information submitted in an IDS means nothing more than considering the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. The initials

Art Unit: 2124

of the examiner placed adjacent to the citations on the PTO-1449 or PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner to the extent noted above. ** Information submitted to the Office that does not comply with the requirements of 37 CFR 1.97 and 37 CFR 1.98 will not be considered by the Office but will be placed in the application file.

7. The Examiner has considered KR1999-48136 and JP9-305381 only to the extent of that which would have been conducted in an ordinary search of the prior art in a proper field of search. Specifically, those portions readable and recognizable to the Examiner, as well as statements of relevance disclosed by the applicant on pages 1 and 2 of the information disclosure statement filed 18 April 2001, have been considered. An updated and initialed copy of the information disclosure statement is being provided with this action.

Double Patenting

8. In response to the applicant's arguments, the provisional double patenting rejection of claims 1-28 have been withdrawn.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3-5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent 6,075,862 to Yoshida et al, hereafter referred to as Yoshida, in view of "Software-RAID Howto" by Vepstas.

Art Unit: 2124

Regarding claim 1:

Yoshida teaches:

- a computer system comprising a first data storage unit storing a first program and a second program (“a computer usable medium having computer readable program code...software to be installed into said computer, the computer readable program code means including: first computer readable program code means...second computer readable program code means...” in col. 3 lines 38-47)
- a second data storage unit storing a product key of the first program according to the second program, the product key accommodating an installation of the first program (Note Figure 1, item 13 and the corresponding sections of the disclosure. The decryption key is a key associated with the installed product, and as such is a product key.)
- a third program stored in the first data storage unit for reinstalling the first program, the third program reading the product key of the first program stored in the second data storage unit, when a product key from the third program and the product key stored in the second data storage unit are identical (“such that the decryption key stored in the memory device is utilizable in decrypting the encrypted software at a time of re-installing the encrypted software” in col. 4 lines 13-15. Further, this is performed by the “decryption key retrieval program” as stated in col. 6 line 27. Finally, this reinstallation occurs “when the appropriate decryption key exists in the decryption key memory unit...” as stated in col. 11 lines 59-60, and is performed by “third computer readable program code means for causing said computer to decrypt the encrypted software...and install a decrypted software content...” in col. 3 lines 51-56. This third computer readable program code is contained in a computer usable medium, as discussed in col. 3 lines 37-62.)

Art Unit: 2124

substantially as claimed. Yoshida does not explicitly disclose the second data storage unit and the first data storage unit being separate. However, Vepstas discloses that it is well known by one of ordinary skill in the art that the utilization of multiple data storage units is beneficial in that a loss of one data storage unit does not result in a complete data loss, as alternate data can be stored on a secondary storage unit (Note page 7, section regarding RAID-4). As such, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize separate data storage units in the system disclosed by Yoshida, as this would allow the decryption information to be maintained, even in the event of a failure of the other data storage unit.

Regarding claim 3:

The rejection of claim 1 is incorporated, and further, Yoshida discloses a first data storage unit comprising a first unit storing the first program, and a second unit storing the third program as claimed (Note Figure 1, items 12 and 13 and the corresponding sections of the disclosure)

Regarding claim 4:

The rejection of claim 3 is incorporated, and further, Yoshida discloses the second program being stored in the first unit or the second unit as claimed (Note Figure 7 and the corresponding sections of the disclosure. The decryption key management system includes the decryption key storing program, as stated in col. 7 line 66 to col. 8 line 3)

Regarding claim 5:

Art Unit: 2124

The rejection of claim 3 is incorporated, and further, Yoshida discloses the second unit being a re-writable magnetic disk storage device or an optical storage device as claimed (Note Figure 1, item 12, which is a re-writable magnetic disk storage device.)

Regarding claim 10:

The rejection of claim 1 is incorporated, and further, Yoshida discloses the second program being installed in a hard disk drive storing the first program and application programs as claimed (Note Figure 7 and the corresponding sections of the disclosure. The decryption key management system includes the decryption key storing program, as stated in col. 7 line 66 to col. 8 line 3)

Regarding claim 11:

The rejection of claim 1 is incorporated, and further, Yoshida discloses erasing the second program when the product key is stored in the second data storage unit as claimed ("the software content of this software is deleted...while the corresponding software ID and decryption key are maintained..." in col. 9 lines 1-4)

11. Claims 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,075,862 to Yoshida et al, hereafter referred to as Yoshida, in view of "Software-RAID Howto" by Vepstas, further in view of the Microsoft Press Computer Dictionary, Second Edition.

Regarding claim 6:

The rejection of claim 1 is incorporated, and further, neither Yoshida nor Vepstas disclose the product key being a bar code-readable signal. The Microsoft Press Computer Dictionary, Second

Art Unit: 2124

Edition discloses that bar code-readable signals were well known in the art at the time, as disclosed on page 37 of the dictionary. It would have been obvious to one of ordinary skill in the art at the time the invention was made to represent the product key as a bar code-readable signal, as this would allow rapid, error-free input of the information as disclosed on page 37 of the dictionary.

Regarding claim 8:

The rejection of claim 1 is incorporated, and further, neither Yoshida nor Vepstas disclose that the storage medium may include any suitable media for storing electronic instructions, including RAMs and ROMs and magneto-optical disks. Yoshida does not explicitly disclose the second data storage unit being an extended complementary metal-oxide semiconductor random-access memory. The Microsoft Press Computer Dictionary, Second Edition discloses that the use of CMOS RAM was well known in the art at the time of the invention as disclosed on page 77 of the dictionary for the purpose of storing information while using very low power consumption. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CMOS RAM in the system disclosed by Yoshida as modified by Vepstas, for the purpose of storing information while using very low power consumption, as disclosed on page 77 of the dictionary.

Regarding claim 9:

The rejection of claim 8 is incorporated, and further, neither Yoshida nor Vepstas disclose the extended complementary metal-oxide semiconductor random-access memory having an auxiliary power source. The Microsoft Press Computer Dictionary, Second Edition discloses that the use of CMOS RAM with an auxiliary power source, providing the ability to preserve stored information when power is removed was well known in the art at the time of the invention as disclosed on page

Art Unit: 2124

77 of the dictionary (the CMOS RAM is powered by an external battery source). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CMOS RAM in the system disclosed by Yoshida as modified by Vepstas, for the purpose of storing and retaining information while using very low power consumption when power is removed from the system.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,075,862 to Yoshida et al, hereafter referred to as Yoshida, in view of "Software-RAID Howto" by Vepstas, further in view of the Microsoft Press Computer Dictionary, Second Edition.

Regarding claim 7:

The rejection of claim 1 is incorporated, and further, neither Yoshida nor Vepstas disclose obtaining a new product key when a product key from the third program and the product key stored in the second data storage unit are not identical ("When the appropriate decryption key does not exist in the decryption key memory unit, the communication program o the installer is executed to carry out the decryption key acquisition processing..." in col. 11 lines 21-24). Yoshida further discloses "urging the acquisition of the decryption key to the user by means of a screen display of a message..." in col. 11 lines 35-36. Yoshida does not explicitly disclose a user directly inputting the product key into an information input window. Venkatesan discloses in an analogous product key-based installation system a user directly inputting the product key into an information input window as claimed ("will prompt the user to enter the indicia...the user, in response to this prompt, will then manually enter, typically through a keyboard associated with computer...the specific 25-digit alphanumeric indicia..." in col. 7 lines 58-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user to directly input the product key in the

Art Unit: 2124

system disclosed by Yoshida as modified by Vepstas, as this would allow a user to authenticate and install the software product without the need to contact an external authentication server, in the case of a user not being connected with a communication network, as indicated in col. 11 lines 33-39 of Yoshida.

13. Claims 15, 17 and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,075,862 to Yoshida et al, hereafter referred to as Yoshida in view of U.S. Patent 6,163,841 to Venkatesan et al, hereafter referred to as Venkatesan.

Regarding claim 15:

Yoshida teaches:

- initiating an initial install of a first program on a first data storage unit on a computer system (“installing the decrypted software content into the personal computer...” in col. 5 lines 55-56)
- writing the product key onto a second data storage unit of the computer system (“program code means for causing said computer to store the decryption key...into the memory device...” in col. 3 lines 57-59)
- initiating a reinstallation of the first program on the computer system (“utilized in decrypting the encrypted software to be re-installed” in col. 6 lines 10-11)
- reading the product key from the second data storage unit (“The decryption key stored in this decryption key memory unit will be utilized...” in col. 6 lines 9-10)

Art Unit: 2124

- comparing the product key read from the second data storage unit with the product key of the first program (“when the appropriate decryption key exists in the decryption key memory unit...” as stated in col. 11 lines 59-60)
- inputting the product key when the product keys are compared to be identical (“when the appropriate decryption key exists in the decryption key memory unit...the installment of the decrypted software content...is carried out by using the decryption key retrieved from the decryption key memory unit...” in col. 11 lines 59-65)

substantially as claimed. Yoshida does not explicitly disclose inputting the product key of the first program, the product key being used for certifying an authenticity of the first program and accommodating an installation of the first program on the computer system, installing the remainder of the first program after writing the product key, inputting the product key into a product key input window, and continuing to complete the reinstallation of the first program after the product key is inputted into the product key window. Venkatesan discloses in an analogous product key-based installation system inputting a product key for a first program, the product key being used for certifying an authenticity of the first program and accommodating an installation of the first program on the computer system (“will prompt the user to enter the indicia...the user, in response to this prompt, will then manually enter, typically through a keyboard associated with computer...the specific 25-digit alphanumeric indicia...” in col. 7 lines 58-63. Further, “a corresponding indicia which itself is uniquely associated with a given copy of a software product, for purposes of authenticating that particular copy during its installation...this product can be...an operating system...” in col. 5 line 65 to col. 6 line 13). Venkatesan further discloses installing the remainder of the first program after writing the product key, inputting the product key into a product key input window, and continuing to complete the reinstallation of the first program after

Art Unit: 2124

the product key is inputted into the product key window as claimed ("will prompt the user to enter the indicia...the user, in response to this prompt, will then manually enter, typically through a keyboard associated with computer...the specific 25-digit alphanumeric indicia..." in col. 7 lines 58-63. Further, "If Authentication process successfully authenticates the indicia entered by the user, then this process so informs installation program...which, in turn, continues with the installation process..." in col. 8 lines 7-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the installation and product key procedures of Venkatesan with the system of Yoshida, as this would prevent illegal installation of software products onto the computer system by requiring the user to pass an authentication step during the installation process.

Regarding claim 17:

The rejection of claim 15 is incorporated, and further, Yoshida discloses storing the product key in the second data storage unit being controlled by a second program ("program code means for causing said computer to store the decryption key...into the memory device..." in col. 3 lines 57-59) and erasing the second program when the product key is stored in the second data storage unit as claimed ("the software content of this software is deleted...while the corresponding software ID and decryption key are maintained..." in col. 9 lines 1-4)

Regarding claim 19:

The rejection of claim 15 is incorporated, and further, Yoshida discloses having the product key of the first program obtained from a third program accommodating the reinstallation of the first program as claimed ("such that the decryption key stored in the memory device is utilizable in

Art Unit: 2124

decrypting the encrypted software at a time of re-installing the encrypted software” in col. 4 lines 13-

15. Further, this is performed by the “decryption key retrieval program” as stated in col. 6 line 27.)

Regarding claim 20:

The rejection of claim 15 is incorporated, and further, Yoshida discloses storing the product key in a specific region of the first data storage unit and the first program continuing to install on the computer system before the step of writing the product key onto a second data storage unit, the product key being written from the product key stored on the first data storage unit (“third computer readable program code means for causing said computer to decrypt the encrypted software by using the decryption key...and install a decrypted software content into the memory device; and a forth computer readable program code means for causing said computer to store the decryption key acquired...into the memory device...” in col. 3 lines 51-59. The system inherently stores the key in a temporary location after it receives the key, so that it can decrypt the software. Then the key is saved into memory.)

Regarding claim 21:

The rejection of claim 15 is incorporated, and further, Yoshida does not explicitly disclose the first program being an operating system. Venkatesan discloses in an analogous product key-based installation system the installation of an operating system as claimed (“a corresponding indicia which itself is uniquely associated with a given copy of a software product, for purposes of authenticating that particular copy during its installation...this product can be...an operating system...” in col. 5 line 65 to col. 6 line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to associate the product key with the installation of an operating system in the

Art Unit: 2124

system disclosed by Yoshida, for the purposes of authenticating that particular copy during its installation, as stated in col. 5 line 67 to col. 6 line 1 of Venkatesan.

Regarding claim 22:

The rejection of claim 15 is incorporated, and further, Yoshida discloses storing the product key in the second data storage unit being controlled by a second program (“program code means for causing said computer to store the decryption key...into the memory device...” in col. 3 lines 57-59) the second program being erased after the step of storing the product key (“the software content of this software is deleted...while the corresponding software ID and decryption key are maintained...” in col. 9 lines 1-4) the step of comparing having the product key of the first program obtained from a third program accommodating the reinstallation of the first program as claimed (“such that the decryption key stored in the memory device is utilizable in decrypting the encrypted software at a time of re-installing the encrypted software” in col. 4 lines 13-15)

Regarding claim 23:

The rejection of claim 22 is incorporated, and further, note the rejection regarding claim 3.

Regarding claim 24:

The rejection of claim 23 is incorporated, and further, note the rejection regarding claim 4.

Regarding claim 25:

The rejection of claim 23 is incorporated, and further, note the rejection regarding claim 5.

Art Unit: 2124

Regarding claim 26:

The rejection of claim 23 is incorporated, and further, note the rejection regarding claim 10.

Regarding claim 27:

The rejection of claim 23 is incorporated, and further, note the rejection regarding claim 7.

14. Claims 12-14, 16, 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,075,862 to Yoshida et al, hereafter referred to as Yoshida in view of U.S. Patent 6,163,841 to Venkatesan et al, hereafter referred to as Venkatesan, further in view of the Microsoft Press Computer Dictionary, Second Edition.

Regarding claim 12:

Yoshida teaches:

- storing a product key (Note Figure 1, item 13 and the corresponding sections of the disclosure)
- an operating system program for controlling the operations of a computer system ("operated under a prescribed operating system..." in col. 5 line 61)
- a computer system comprising a central processing unit, a main memory, a basic input-output system read only memory, an auxiliary memory storing therein information set up by the basic input-output system read only memory (Note at least Figure 1 and the corresponding sections of the disclosure. Personal Computer 11 inherently contains a BIOS.)

- storing the product key in a product key storage by activating a product key storage program (“program code means for causing said computer to store the decryption key...into the memory device...” in col. 3 lines 57-59)

substantially as claimed. Yoshida does not explicitly disclose the product key being for an operating system. Venkatesan discloses in an analogous product key-based installation system the installation of an operating system which requires entry of a product key as claimed (“a corresponding indicia which itself is uniquely associated with a given copy of a software product, for purposes of authenticating that particular copy during its installation...this product can be...an operating system...” in col. 5 line 65 to col. 6 line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to associate the product key with the installation of an operating system in the system disclosed by Yoshida, for the purposes of authenticating that particular copy during its installation, as stated in col. 5 line 67 to col. 6 line 1 of Venkatesan.

Further, neither Yoshida nor Venkatesan explicitly disclose the product key comprising a bar code read by a bar code reader. The Microsoft Press Computer Dictionary, Second Edition discloses that bar code-readable signals capable of being read by an optical scanner were well known in the art at the time, as disclosed on page 37 of the dictionary. It would have been obvious to one of ordinary skill in the art at the time the invention was made to represent the product key as a bar code-readable signal, as this would allow rapid, error-free input of the information as disclosed on page 37 of the dictionary.

Regarding claim 13:

The rejection of claim 12 is incorporated, and further, note the rejection of claim 7.

Regarding claim 14:

The rejection of claim 12 is incorporated, and further, Yoshida discloses the product key storage program being installed in a hard disk drive storing an operating system program and application programs as claimed (Note Figure 7 and the corresponding sections of the disclosure. The decryption key management system includes the decryption key storing program, as stated in col. 7 line 66 to col. 8 line 3)

Regarding claim 16:

The rejection of claim 15 is incorporated, and further, note the rejection of claim 6.

Regarding claim 18:

The rejection of claim 15 is incorporated, and further, neither Yoshida nor Venkatesan explicitly disclose initiating a checksum of the specific regions of the second data storage unit having the product key to ascertain whether the read product key is correct. The Microsoft Press Computer Dictionary, Second Edition discloses that the act of comparing checksums to detect errors was well known in the art at the time, as disclosed on page 73 of the dictionary. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a checksum comparison on the product keys, as this would help the user determine whether the storage of the product key was successful.

Regarding claim 28:

Art Unit: 2124

The rejection of claim 15 is incorporated, and further, neither Yoshida nor Venkatesan explicitly an extended complementary metal-oxide semiconductor random-access memory having an auxiliary power source. The Microsoft Press Computer Dictionary, Second Edition discloses that the use of CMOS RAM with an auxiliary power source, providing the ability to preserve stored information when power is removed was well known in the art at the time of the invention as disclosed on page 77 of the dictionary (the CMOS RAM is powered by an external battery source). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CMOS RAM in the system disclosed by Yoshida modified by Venkatesan, for the purpose of storing and retaining information while using very low power consumption when power is removed from the system.

Response to Arguments

15. Applicant's arguments filed 31 August 2004 have been fully considered but they are not persuasive.

Per claim 1:

The applicant states that Yoshida fails to disclose a third program stored in the first data storage unit for reinstalling the first program, and further that a decryption key is not a product key, as the product key accommodates the continued installation of a program while the decryption key is for decryption of a program only. In response, as shown above regarding claim 1, it is noted that Yoshida disclosed an installation program that is utilized when reinstalling the program (Note col. 6 lines 60-64), and that the installer calls a decryption key retrieval program which searches for an identical ID stored in the decryption key memory unit (Note col. 6 lines 27-40). Further, the applicant states that the product key of the present invention "accommodates the continued

Art Unit: 2124

installation of a program.” on page 12 of the remarks. Since the decryption key of Yoshida is retrieved and utilized after installation is initiated on the encrypted software, and as a result of the decryption, the installation of the program continues, according to the broadest reasonable interpretation of the claim language, a decryption key does constitute a product key for the installable software. For these reasons, the rejection of claim 1 is proper and maintained.

Per claims 3 and 4:

The applicant states that Yoshida fails to disclose separate units for storing the first program and the third program. In response, it is noted that the claim language states that the first data storage unit comprises a first unit storing the first program, and a second unit storing the third program. As such, the programs are not stored in separate data storage units, but rather stored in separate “units” in a data storage unit. As such, according to the broadest reasonable interpretation of the claim language, the memory region containing the decryption key memory unit is a separate “unit” from that of the main hard disk device storage “units.” Moreover, the “third computer readable program code means for causing said computer to decrypt the encrypted software...and install a decrypted software content...” in col. 3 lines 51-56 is contained in a computer usable medium, as discussed in col. 3 lines 37-62. For these reasons, the rejection of claims 3 and 4 are proper and maintained.

Per claim 5:

The applicant states that Yoshida fails to disclose a second unit being a re-writable magnetic disk storage device or an optical storage device as claimed. In response, it is noted that Figure 1, item 12 discloses a re-writable magnetic disk storage device. The rejection of claim 5 is proper and maintained.

Art Unit: 2124

Per claim 10:

The applicant appears to state that Yoshida fails to disclose a second program being installed in a hard disk drive. However, note col. 4 lines 37-62, wherein Yoshida discloses a second computer readable program code for causing the computer to acquire the decryption key. This second computer readable program code is stored on the computer usable medium. The rejection of claim 10 is proper and maintained.

Per claim 11:

The applicant states that Yoshida fails to disclose the second program being erased when the product key is stored in the second data storage unit. In response, as Yoshida deletes everything with the exception of the software ID and decryption key, the second program is inherently included in the deleted content. The rejection of claim 11 is proper and maintained.

Per claims 6, 8, 9, 12-14, 16, 18 and 28:

The applicant states that the use of the Microsoft press computer dictionary as a reference is highly irregular and improper form of rejection. Further, the applicant states that they have the right to ask the Examiner to provide an actual reference that can be combined with Yoshida and not just a dictionary definition. In response, the applicant did not provide an explanation as to why a dictionary does not qualify as prior art, consequently, it is unclear to the Examiner as to what constitutes an "actual" reference as opposed to any other sort of reference. Furthermore, nothing in the MPEP prohibits the use of a dictionary as prior art. Rather, MPEP 2128 states:

A REFERENCE IS A "PRINTED PUBLICATION" IF IT IS ACCESSIBLE TO THE PUBLIC

Art Unit: 2124

A reference is proven to be a "printed publication" "upon a satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, can locate it." In re Wyer, 655 F.2d 221, 210 USPQ 790 (CCPA 1981) (quoting I.C.E. Corp. v. Armco Steel Corp., 250 F. Supp. 738, 743, 148 USPQ 537, 540 (SDNY 1966))

A dictionary is clearly material that is available and accessible to the public, and persons interested and ordinarily skilled in the subject matter or art of computer technology can certainly locate a Microsoft Press Computer Dictionary. Furthermore, the entries provided in the Microsoft Press Computer Dictionary, as stated on page 8 of the Introduction, "go beyond a simple definition to provide additional detail and to put the term **in context for a typical computer user.**" (emphasis added). In terms of the definitions relied upon in this rejection, for example, the definition of bar code, the line "Used for rapid, error-free input in such facilities as libraries, hospitals, and grocery stores..." can hardly be considered a definition of the word, but rather a context and situation in which the word is used. As such, the Microsoft Press Computer Dictionary does constitute an "actual" reference, one which provides reasons and motivations to utilize various technologies. For these reasons, the rejections of claims 6, 8, 9, 12-14, 16, 18 and 28 are proper and maintained.

Per claim 7:

The applicant states that the Examiner fails to mention the teaching of providing the information window when the product key from the third program and the stored product key are not identical. However, in the rejection of claim 7, a case of obviousness is created in connection with "When the appropriate decryption key does not exist in the decryption key memory unit..." in col. 11 lines 21-22. The decryption key not existing in the decryption key memory unit inherently means that no identical matching key is found. For this reasons, the rejection of claim 7 is proper and maintained.

Art Unit: 2124

Per claim 15:

The applicant states that Yoshida does not teach or suggest the step of initiating an installation, as well as arguments recited in connection with claim 7. In response, note the response of claim 7 above. Further, Yoshida discloses the installation of an application, and to perform an installation, the installation must inherently be initiated, otherwise, no installation may occur. The rejection of claim 15 is proper and maintained.

Per claim 20:

The applicant states that Yoshida does not disclose a continuation of an installation. In response, it is noted that the decryption program is called after the installation of the software is initiated. Therefore, once the decryption is completed, the installation would continue. As such, Yoshida does disclose a continuation of an installation. The rejection of claim 20 is proper and maintained.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

Art Unit: 2124

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (571)272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche
Examiner
Art Unit 2124

TJR



JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124